

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90175

Thomas PEGLOW, et al.

Appln. No.: 10/550,454

Group Art Unit: 1795

Confirmation No.: 4642

Examiner: Shean Chiu WU

Filed: March 10, 2006

For: POLYMERIZABLE DICHROIC AZO DYES

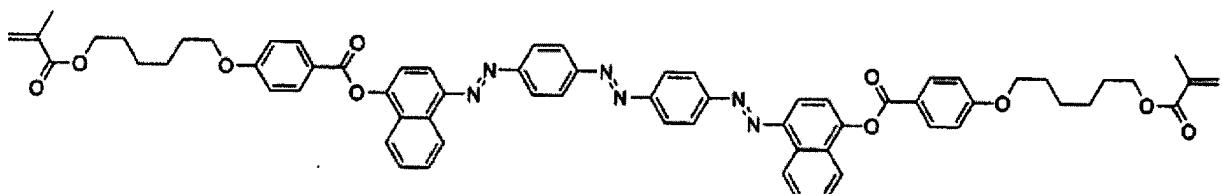
RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Election of Species Requirement set forth in the Office Action dated October 6, 2009.

In response to the Examiner's requirement on page 2 of the Office Action that Applicant elect a specific single species of the polymerizable dichroic azo dye of formula I, Applicant elects compound 4 as shown below for examination.



Applicant submits that all claims are readable on the elected species.

RESPONSE TO ELECTION OF SPECIES REQUIREMENT Attorney Docket No.: Q90175
U.S. Application No.: 10/550,454

This election is made with traverse as follows. Applicant found a new class of dyes which can be used in mesogenic mixtures. This property could not be foreseen starting with the prior art. A novel mixture of liquid crystals is available with these new dyes. Further, this class of new dyes gives access to advantageous properties such as dichroism, solubility, high order parameter and the stability of the dichroic polymer (see page 1, second paragraph, in the present application). Thus, Applicant respectfully requests that the overall scope of the claimed invention be examined.

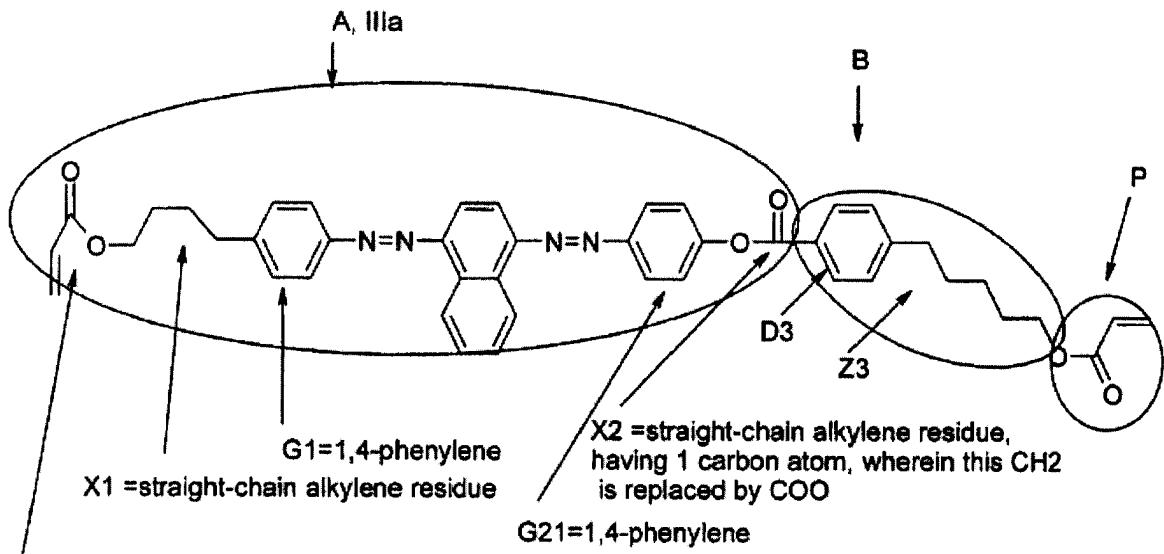
In the paragraph bridging pages 4-5 of the Office Action, the Examiner indicates that he has required restriction between product and process claims. However, there is no specific restriction requirement discussion set forth elsewhere in the Office Action indicating particular groups of claims or an analysis of unity of invention. Thus, Applicant does not believe that there is actually a restriction requirement in the present case. However, in the event that there is a restriction requirement between product and process claims, to advance the prosecution and expedite allowance Applicant elects the product claims and requests rejoinder of the process claims to the extent possible per MPEP 821.04(b) upon a finding of allowable subject matter in the product claims.

At the bottom of page 5 of the Office Action, the Examiner indicates that the formulae with the proviso at end of in claim 1 are not covered by formula I.

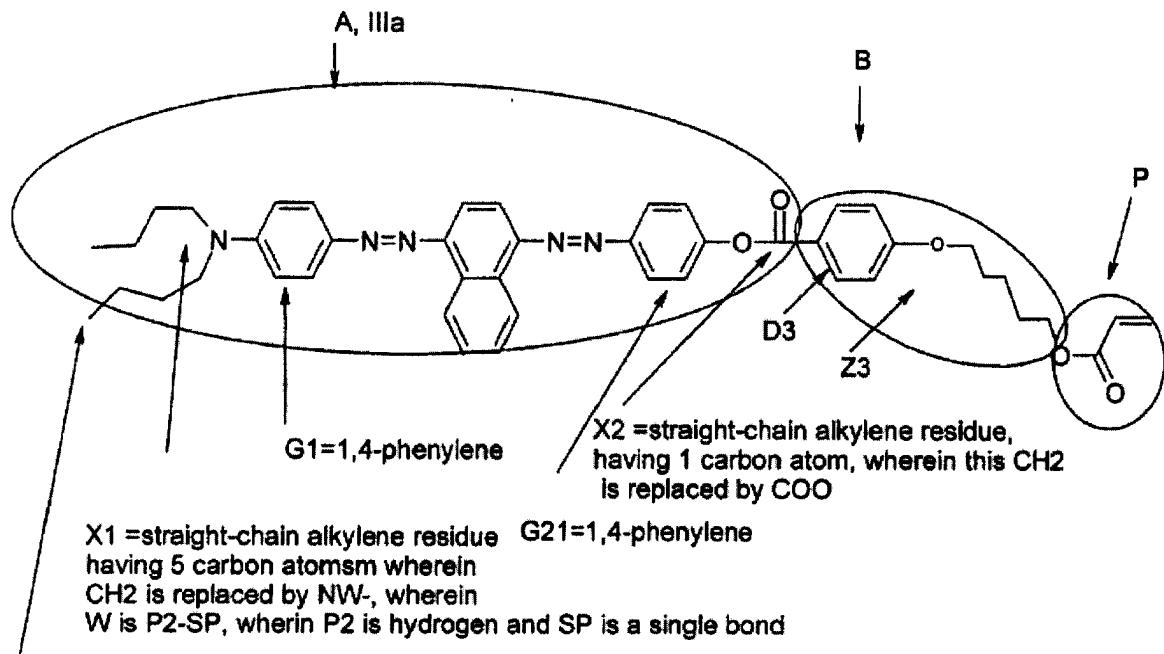
In response, Applicants submit that the Examiner's position about the proviso is incorrect, because the excluded compounds would be encompassed by formula I as follows:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT
U.S. Application No.: 10/550,454

Attorney Docket No.: Q90175



T with P1 is a polymerizable group and S2 is a single bond and m3 and m4 are 0



T with P1 is hydrogen and S2 is a single bond and m3 and m4 are 0

RESPONSE TO ELECTION OF SPECIES REQUIREMENT
U.S. Application No.: 10/550,454

Attorney Docket No.: Q90175

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 6, 2009